

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1913, HERITAGE LAKES COMMUNITY UNIT PLAN**, requested by Jack Lynch of Olsson Associates on behalf of Heritage Lakes, L.L.C., for 134 dwelling units, including a request to modify the yards so that structures may be built to the lot lines for single family attached dwellings, and to waive lot area, on property generally located in the vicinity of South 98th Street and Pine Lake Road.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: Preliminary Plat No. 01004, Heritage Lakes (02R-89).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/06/02
Administrative Action: 03/06/02

RECOMMENDATION: Conditional approval, with amendments (6-0: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn voting 'yes'; Krieser and Duvall absent).

FINDINGS OF FACT:

1. This community unit plan and the associated Preliminary Plat No. 01004, Heritage Lakes, were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5, concluding that the proposal is generally in conformance with the Comprehensive Plan. The waiver of lot area allows the existence of lots which do not meet the lot area requirement of 6,000 sq. ft. Outlot E, intended for a subdivision sign, does not meet the lot area requirements. The waiver is appropriate because a subdivision sign does not require the same amount of area as a house. The adjustments to yards on the two-family housing are acceptable. Outlot A provides adequate space between units.
3. The applicant's testimony is found on p.7-8. The applicant requested deletion of Conditions #1.1.1 and #1.1.2 (See Minutes, p.7-8). The staff response to the proposed amendments is found on p.9.
4. There was no testimony in opposition.
5. On March 6, 2002, the Planning Commission voted 6-0 to agree with the staff recommendation of conditional approval, as set forth in the staff report dated February 20, 2002, with amendment to delete Conditions #1.1.1 and #1.1.2 as requested by the applicant.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant, approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 15, 2002

REVIEWED BY: _____

DATE: April 15, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1913 CUP

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Special Permit #1913 - Heritage Lakes CUP
Preliminary Plat #01004

DATE: February 20, 2002

****As Revised by Planning Commission: 3/06/02****

PROPOSAL: To create 124 lots with 134 units of housing.

WAIVER REQUESTS: Lot depth
Lot area
Required yards for two-family lots
Sidewalks along one side of private roadways

LAND AREA: 54.39 acres, more or less

CONCLUSION: The preliminary plat generally conforms with the Subdivision Ordinance and the Comprehensive Plan.

The waiver of lot depth permits the outlots along the arterial streets. These outlots promote more green space along the street right of way. The outlot along Pine Lake Road coincides with an existing gas line easement. If the outlots were not present, Design Standards would require a 50% screen from 0 to 6 feet along the length of the property - this is often accomplished using a 6 foot board on board fence adjacent to the sidewalk.

The waiver of lot area under the C.U.P. allows the existence of lots which do not meet the lot area requirement of 6000 square feet. Outlot "E", intended for a subdivision sign, does not meet the lot area requirements. The waiver is appropriate - a subdivision sign does not require the same amount of area as a house.

The adjustments to yards on the two-family housing are acceptable. Outlot "A" provides adequate space between units.

The developer has not provided sufficient justification for the waiver of sidewalks along one side of the private roadway.

Although the wetlands have been mitigated, there is enough space in Outlot "A" and Outlot "B" to avoid impacting some of them - especially those adjacent to Eider Bay.

RECOMMENDATION:**Community Unit Plan:** Conditional Approval**Preliminary Plat:** Conditional Approval**Lot depth waiver:** Approval**Lot area waiver:** Approval**Yard adjustments:** Approval**Sidewalks:** Denial**GENERAL INFORMATION:**

LEGAL DESCRIPTION: A portion of the remaining portion of Lot 82 I.T., located in the NE 1/4 of Section 23, T10N, R7E of the 6th P.M., Lancaster County, Nebraska, more particularly described on the attached legal description.

LOCATION: S. 98th Street and Pine Lake Road

APPLICANT: Jack Lynch
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

OWNER: Heritage Lakes, LLC
5950 Vandervoort Dr.
Lincoln, NE 68516

CONTACT: Jack Lynch
Olsson Associates

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING:

North:	R-3	Acreages and residential
South:	AG	Acreages and fields
East:	AG	Fields
West:	R-3	Future heart hospital (approved by special permit #1939)

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Plan, with Wetland/Water Bodies along the south boundary.

The goals for future urban residential neighborhoods state:

- Enhance rural and urban neighborhoods through the preservation of their natural environment.

- Increase home ownership opportunities for households of different sizes and income levels. Supplemental statement: Encourage the development of new subdivisions in all areas to increase the supply of buildable lots. (p 44)

HISTORY:

Date when preliminary plat was submitted: **April 9, 2001**

Date when Planning Director's letter was sent: **May 10, 2001**

Date when revised preliminary plat was submitted: **January 11, 2002**

This area was annexed and zoned R-3 Residential on **November 5, 2001**.

The Southeast Lincoln/Highway 2 Subarea Plan was adopted on **March 26, 2001**.

UTILITIES: To be provided through the annexation agreement for this area.

TOPOGRAPHY: The northern portion of the site drains east and west while the southern portion of the site drains to the south.

TRAFFIC ANALYSIS: S. 98th Street is a public way corridor. Pine Lake Road is designated as a minor arterial in the future.

PUBLIC SERVICE: City of Lincoln Fire and Police.

ENVIRONMENTAL CONCERNS: Filling the wetlands and performing mitigation instead of creating a lot layout which does not encroach upon the wetlands.

ALTERNATIVE USES: Residential housing with a density greater than 2.5 dwelling units per acre.

ANALYSIS:

1. The proposed Preliminary Plat and Community Unit Plan contain 124 lots and 134 dwelling units. Ten dwelling units are currently unassigned.
2. The area is zoned R-3 residential and is shown as Residential in the Land Use Plan.
3. This plat contains block lengths which exceed subdivision standards. Per §26.23.130(a), block length shall not exceed 1,320 feet between cross-streets, *except where a major street, or other man-made barrier, lake, or other natural barrier forms one boundary of a block.* (emphasis added) In this case, Block 1 is bounded by a future lake and Block 2 is bounded by two arterial streets, so the deviation is acceptable.
4. The Community Unit Plan section encourages creative design and the Comprehensive Plan advocates the preservation of the natural environment. The applicant could, with minor

design changes, have significantly less of an impact on the existing wetlands within this development.

COMMUNITY UNIT PLAN CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

~~1.1.1 Less encroachment upon the wetlands. Shift "Eider Bay" to the west and move the single family attached units to the east. Redesign S. 94th so that it is entirely south of the wetlands. (**Per Planning Commission, at the request of the applicant, 3/06/02**)~~

~~1.1.2 Connect S. 94th Court to Glass Ridge Drive and rename it as S. 94th Street. (**Per Planning Commission, at the request of the applicant, 3/06/02**)~~

1.1.3 Revise the Public Way Corridor cross section to the satisfaction of Parks & Recreation.

1.1.4 Show the anticipated grade separation at Pine Lake Road and Antelope Creek.

1.1.5 If there are any proposed structures or walkways within the common open space, show them on the site plan.

2. This approval permits 134 dwelling units and the following waivers:

2.1 A modification of yards so that structures may be built to the lot lines for the single family attached dwellings.

2.2 A waiver to allow lot area less than 6,000 square feet on Outlot "E"

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Jason Reynolds
Planner

**SPECIAL PERMIT NO. 1913,
HERITAGE LAKES COMMUNITY UNIT PLAN
and
PRELIMINARY PLAT NO. 01004,
HERITAGE LAKES**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 6, 2002

Members present: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn; Duvall and Krieser absent.

Staff recommendation: Conditional approval.

Jason Reynolds of Planning staff submitted a letter from the Army Corps of Engineers stating that the applicant will need their authority prior to project activities. Reynolds added Site Specific Condition #3 to the preliminary plat that the applicant shall receive an Army Corps of Engineers permit prior to project activities.

Proponents

1. Jack Lynch of Olsson Associates, presented the project. Heritage Lakes is a residential community of a little over 50 acres, with about 100 single family lots and 26 townhouse lots. It sits just north of a 20-25 acre lake that is currently under construction. This is part of the northeast quadrant of the Eiger Development approved previously (the large 600 acre complex at the intersection of Hwy 2 and 84th Street). The proposal consists of a number of single family lots. Between the two cul-de-sacs there is a series of cascading ponds and streams that will be enhanced with wetland habitation. These are being built and will consist of recirculating water to cascade water down those ponds and streams to the bottom and pump back up to the top. Both also function as stormwater area. This project is at the southwest quadrant of Pine Lake Road and 98th Street. The intent is to begin development this spring and summer.

Lynch agreed with the staff report with the exception of Condition #1.1.1 and Condition #1.1.2 of the community unit. He requested that these two conditions be deleted. Condition #1.1.2 requires a connection and creates a four-way intersection. The developer's preference is to create a small residential neighborhood with townhouses and the cul-de-sac is well within design standards. That four-way intersection would sit less than 200' off of Pine Lake Road, so there are safety issues. Plus, if we create that four-way intersection, they would not be able to meet the design standards coming to the west for that curve and the intersection to that roadway. Lynch also observed that over the years, developers have consistently been directed to avoid four-way intersections in this community.

Lynch then addressed Condition #1.1.1 of the community unit plan which requires moving a street and the single family attached units to the east for less encroachment upon the wetlands. Lynch stated that the developer has gone through an extensive delineation program for the entire Eiger property; they

have done an extensive mitigation plan; and they have an approved 404 permit for this entire project. The issue here is two wetlands. One of them was originally declared to be impacted so they agreed to mitigate elsewhere. If they move the cul-de-sac they will run into the problems with grade. That wetland is being mitigated somewhere else. With regard to the other wetland, the more pristine part is being saved. They are also mitigating these wetlands elsewhere on the site.

2. Joan Darling of Olsson Associates confirmed that the developer does have a section 404 permit for the impacts of this project. It was permitted under the Eiger Corporation as opposed to Heritage Lakes. It had gone through a public notice period and has had agency approval. The Army Corps of Engineers has approved the impacts that will be done here and the mitigation plan. Darling discussed the quality of the areas that are being impacted. One was an old farm pond and the dam broke. It is a very silty bottom and there is no aesthetic or high functioning in terms of wetland values. If avoided entirely it would still be a low functioning wetland and would not be attractive as a back yard feature. The regulatory agencies agree that this could be mitigated. The diverse mix of natural habitats that will be created in the green space will have much higher functions than this wetland does now.

The other wetland in the northwestern part of the site is a fairly large complex with two arms. The developer has made every effort to save the best part of that wetland. The western part is a fairly high quality wetland with good water quality. It has mature trees and has wetland values that are worth keeping. They have made efforts to minimize the impacts on that wetland.

From what Steward understands about engineering, he believes one can engineer protection of anything, and you can control field conditions if it is approved and engineered. Lynch's response was what they can't control are the builders. And, Steward added that the weakness of the protection character within the city cannot be controlled by the developer. Steward recommends that we not begin assuming the worst. It is better to assume the natural protection and then work with it as the project goes. Steward understands the logic of that pond that has developed and he would consider it a manmade wetland that can probably be more effective in the outlot if landscaped appropriately. But the other seems to be much more significant. Steward inquired whether the developer has any issue with what is being required to protect the one on the west. Lynch stated that they are protecting that one adequately.

Steward believes that Condition #1.1.1 moves the cul-de-sac so that that southern wetland would be more protected. Lynch stated that there is no room to move the townhouses further east. If they are going to connect roads and make that four-way intersection, they are impacting those same wetlands. Topography to the west of the line of townhouses starts to slope 2:5 to 3:1. Condition #1.1.1 will result in a landscape issue.

Schwinn asked Lynch to address the letter from the Army Corps of Engineers. Lynch stated that the approved permit is under the Eiger Development so when the Corps got the packet from the city referencing Heritage Lakes, nobody made the connection. He does not disagree with this being a condition of approval, however.

Steward noted that in the written responses in the staff report, there was a question about sidewalks on one side of the private roadway. Lynch has no problem with going to dual sidewalks. As part of the cul-de-sac issue, they will make sidewalk connections and the water main will be connected, but we would prefer not to make a roadway connection.

There was no testimony in opposition.

Staff questions

Carlson asked staff to describe what the Comprehensive Plan subarea plan says happens in this area. Reynolds stated that it is designated as SR-Special Residential which could be multi-family and other uses permitted in residential by special permit.

Carlson believes they are going to need street connections to 91st and Heritage. Reynolds clarified that they will have a street connection off of Heritage Lakes Drive.

Carlson asked staff to address Condition #1.1.2. Reynolds explained that this condition requires that So. 94th Court be connected south of the existing wetlands so it would be connected somewhere along the curve south of the existing wetland. This would not create a four-way intersection. The idea is to keep So. 94th south of the wetlands. The townhomes would have to be shifted around to accommodate the new design.

It was clarified that Condition #1.1.2 should read, "Connect S. 94th Court to Glass Ridge Drive, as opposed to Fischer Drive.

Response by the Applicant

With regard to Condition #1.1.2, Lynch pointed out that this will result in Lot #1 of the single family lots having three roads on all three sides, plus the northerly townhouses will still have to have a street. The idea of those 26 townhouses on one cul-de-sac is a small ideal neighborhood. They are not conflicting with single family traffic of the project; they create their own identity; plus coming off of Pine Lake Road there would be three intersections in a span of about 300-400 feet. Lynch does not feel they need to have that additional access.

Public hearing was closed.

SPECIAL PERMIT NO. 1913

HERITAGE LAKES COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 6, 2002

Steward moved to approve the staff recommendation, with amendment deleting Condition #1.1.1 and Condition #1.1.2, seconded by Newman.

Steward believes there is technical logic behind the staff recommendation, but the practical circumstance that he understands from the description of the lay of the land and the character of the wetlands, the layout of this townhouse strip makes good sense. He believes we would end up with more confusion in a traffic pattern that had intersecting roadways about every 200-300 feet.

Schwinn observed that if So. 94th were built with just a spur out as a future to Glass Ridge Drive, we would have all 26 of those people down here complaining when we wanted to finish it. He thinks the applicant is correct in trying to do this.

Newman wondered whether we need to require a pedestrian easement without that connection. Schwinn believes they will put that easement in if the neighborhood wants it.

Motion for conditional approval, with amendment deleting Condition #1.1.1 and Condition #1.1.2 carried 6-0: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn voting 'yes'; Krieser and Duvall absent.

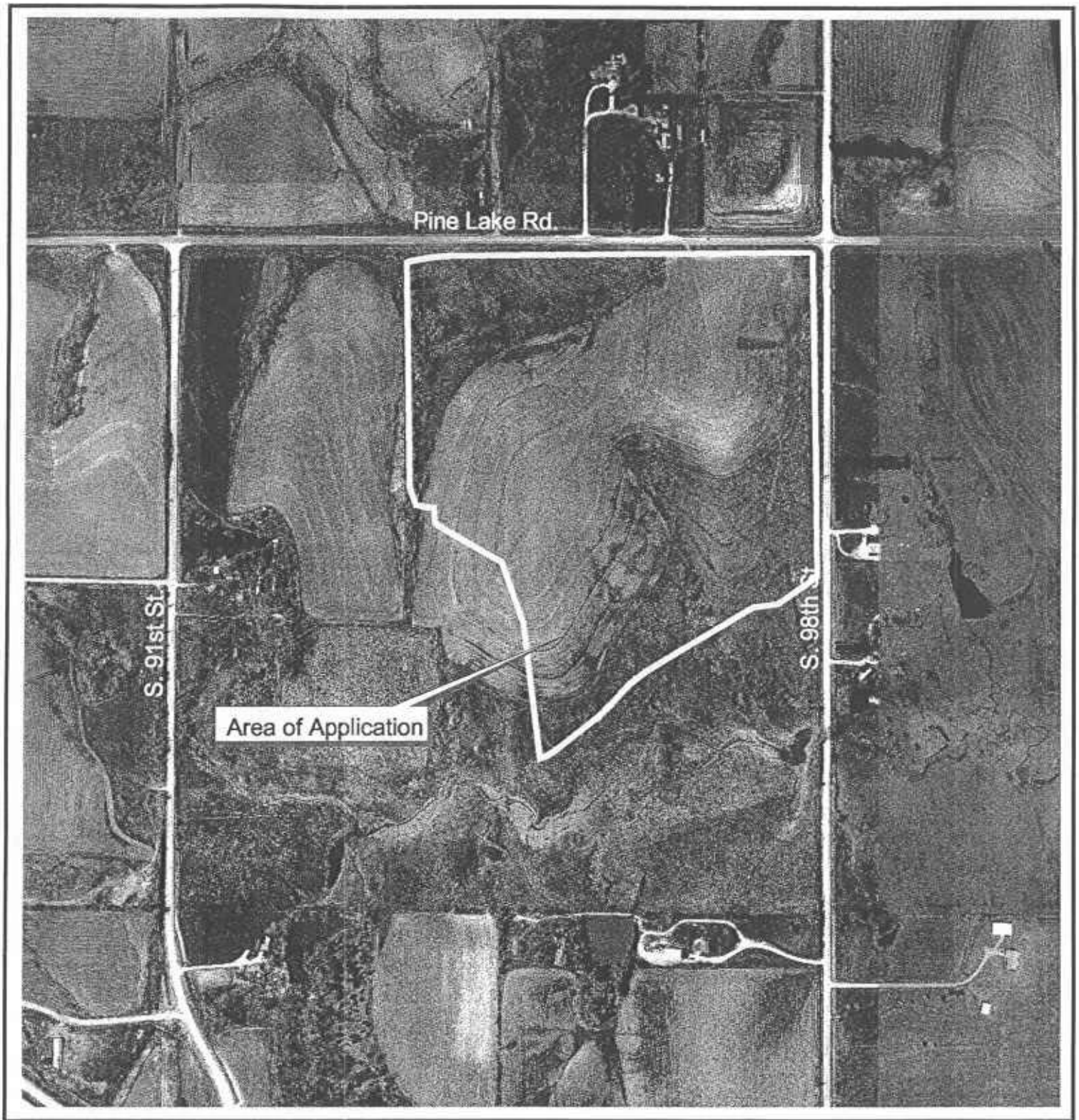
PRELIMINARY PLAT NO. 01004

HERITAGE LAKES

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 6, 2002

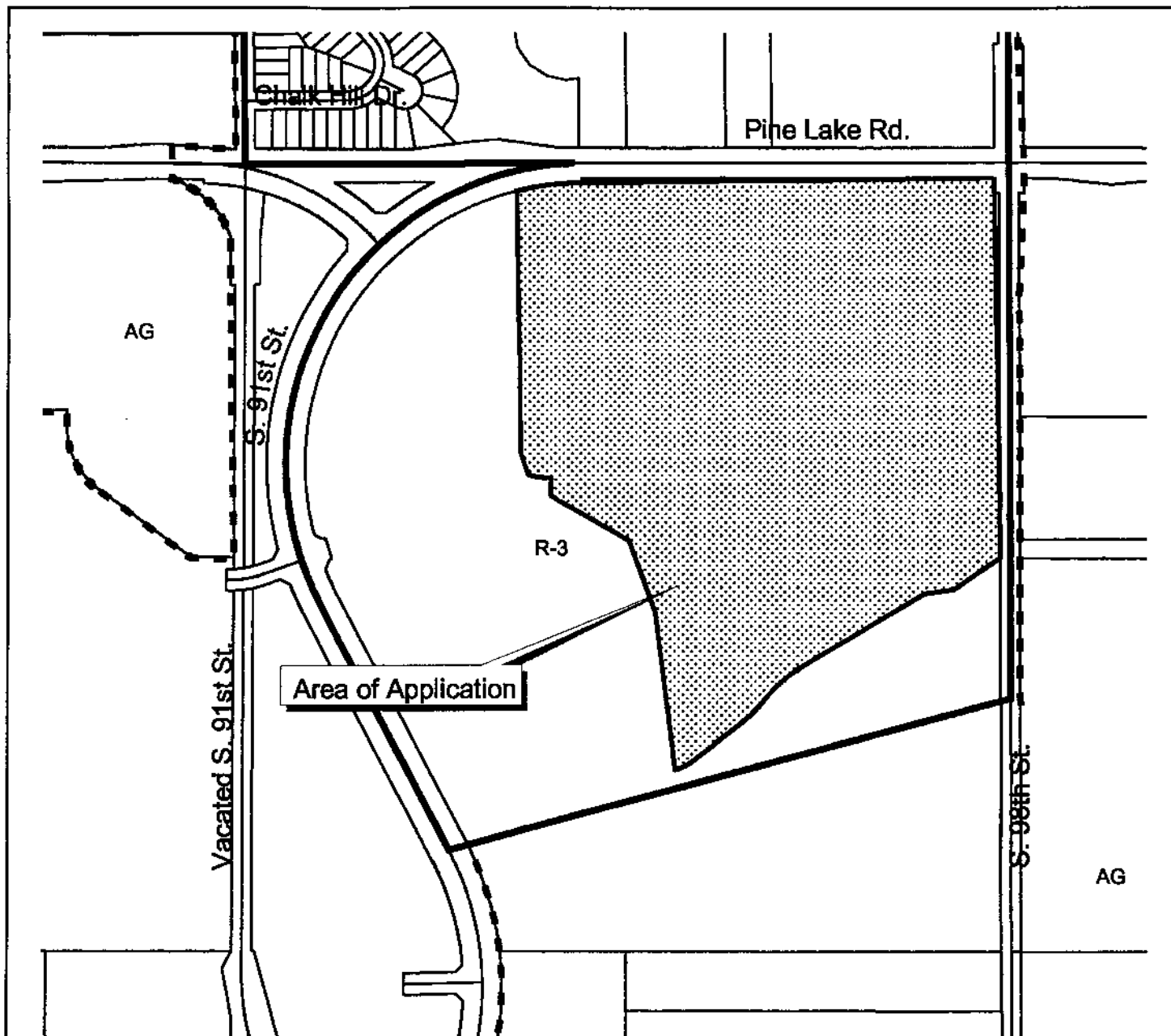
Bills-Strand moved to approve the staff recommendation of conditional approval, with the additional Condition #3 regarding the Army Corps of Engineers requirement as suggested by staff, seconded by Steward and carried 6-0: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn voting 'yes'; Krieser and Duvall absent.



**Preliminary Plat #01004
Special Permit #1913
Heritage Lakes
98th & Pine Lake**



011

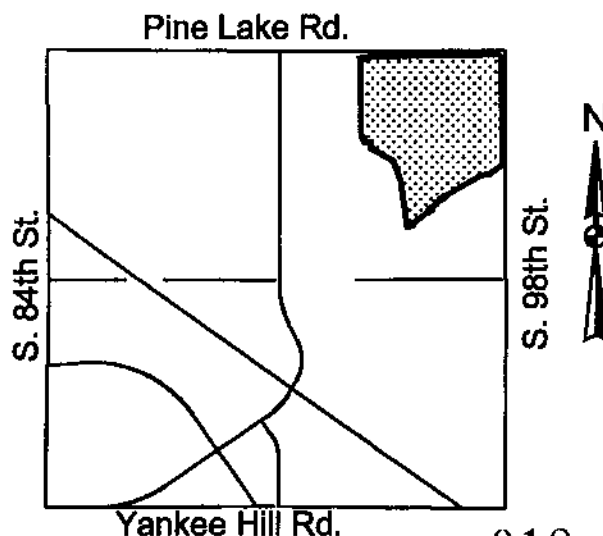
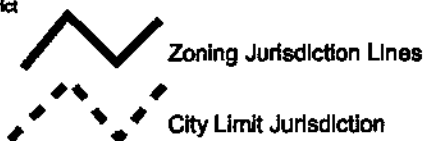


Preliminary Plat #01004
Special Permit #1913
Heritage Lakes
98th & Pine Lake

Zoning:

- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | General Commercial District |
| H-4 | Industrial Park District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
 Sec. 23 T9N R7E

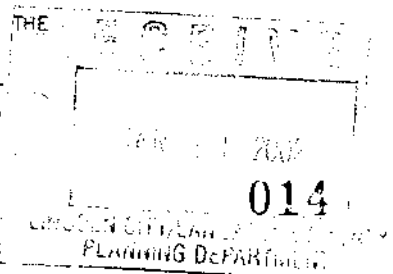


012

LEGAL DESCRIPTION
HERITAGE BOUNDARY

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOT 82 I.T., LOCATED IN THE NORTHEAST QUARTER (NE4) OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHEAST CORNER OF THE REMAINING PORTION OF SAID LOT 82 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER AND 50.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 07 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID REMAINING PORTION OF LOT 82 I.T., A DISTANCE OF 50.00 FEET TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., THENCE NORTH 89 DEGREES 52 MINUTES 45 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 82 I.T., A DISTANCE OF 17.00 FEET TO A NORTHEAST CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., THENCE SOUTH 00 DEGREES 07 MINUTES 15 SECONDS EAST ALONG A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,218.59 FEET TO A POINT; THENCE SOUTH 55 DEGREES 32 MINUTES 46 SECONDS WEST, A DISTANCE OF 187.02 FEET TO A POINT; THENCE SOUTH 81 DEGREES 57 MINUTES 07 SECONDS WEST, A DISTANCE OF 100.21 FEET TO A POINT; THENCE SOUTH 59 DEGREES 01 MINUTES 51 SECONDS WEST, A DISTANCE OF 474.32 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 153.58 FEET, A DELTA ANGLE OF 17 DEGREES 35 MINUTES 57 SECONDS, A CHORD BEARING OF SOUTH 50 DEGREES 13 MINUTES 52 SECONDS WEST AND A CHORD LENGTH OF 152.98 FEET TO A POINT OF TANGENCY; THENCE SOUTH 41 DEGREES 25 MINUTES 54 SECONDS WEST, A DISTANCE OF 42.78 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 91.81 FEET, A DELTA ANGLE OF 10 DEGREES 31 MINUTES 13 SECONDS, A CHORD BEARING OF SOUTH 46 DEGREES 41 MINUTES 31 SECONDS WEST AND A CHORD LENGTH OF 91.68 FEET TO A POINT OF TANGENCY; THENCE SOUTH 51 DEGREES 57 MINUTES 07 SECONDS WEST, A DISTANCE OF 196.74 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 202.52 FEET, AN ARC LENGTH OF 73.14 FEET, A DELTA ANGLE OF 20 DEGREES 41 MINUTES 28 SECONDS, A CHORD BEARING OF SOUTH 62 DEGREES 17 MINUTES 51 SECONDS WEST AND A CHORD LENGTH OF 72.74 FEET TO A POINT; THENCE NORTH 07 DEGREES 09 MINUTES 57 SECONDS WEST, A DISTANCE OF 532.19 FEET TO A POINT; THENCE NORTH 20 DEGREES 22 MINUTES 02 SECONDS WEST, A DISTANCE OF 255.67 FEET TO A POINT; THENCE NORTH 60 DEGREES 46 MINUTES 13 SECONDS WEST, A DISTANCE OF 269.25 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 285.52 FEET, AN ARC LENGTH OF 34.58 FEET, A DELTA ANGLE OF 06 DEGREES 56 MINUTES 22 SECONDS, A CHORD BEARING OF NORTH 55 DEGREES 10 MINUTES 13 SECONDS WEST, AND A CHORD LENGTH OF 34.56 FEET TO A POINT; THENCE NORTH 02 DEGREES 13 MINUTES 26 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 220.00 FEET, AN ARC LENGTH OF 74.61 FEET, A DELTA ANGLE OF 19 DEGREES 25 MINUTES 54 SECONDS, A CHORD BEARING OF NORTH 82 DEGREES 30 MINUTES 29 SECONDS WEST AND A CHORD LENGTH OF 74.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 430.00 FEET, AN ARC LENGTH OF 1.08 FEET, A DELTA ANGLE OF 00 DEGREES 08 MINUTES 39 SECONDS, A CHORD BEARING OF NORTH 72 DEGREES 51 MINUTES 51 SECONDS WEST AND A CHORD LENGTH OF 1.08 FEET TO A POINT; THENCE NORTH 19 DEGREES 17 MINUTES 46 SECONDS WEST, A DISTANCE OF 73.13 FEET TO A POINT; THENCE NORTH 00 DEGREES 54 MINUTES 48 SECONDS WEST, A DISTANCE OF 878.11 FEET TO A POINT ON THE NORTHERLY LINE OF SAID REMAINING PORTION OF LOT 82 I.T. AND THE SOUTHERLY LINE OF LOT 94 I.T.; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00 FEET, AN ARC LENGTH OF 221.55 FEET, A DELTA ANGLE OF 13 DEGREES 34 MINUTES 35 SECONDS, A CHORD BEARING OF NORTH 83 DEGREES 05 MINUTES 37 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID REMAINING PORTION OF LOT 82 I.T., AND THE SOUTHERLY LINE OF SAID LOT 94 I.T., AND A CHORD LENGTH OF 221.04 FEET TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., AND A SOUTHEASTERLY CORNER OF SAID LOT 94 I.T., SAID CORNER BEING 60.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 06 SECONDS WEST ALONG THE WESTERLY LINE OF SAID REMAINING PORTION OF LOT 82 I.T., AND AN EASTERLY LINE OF SAID LOT 94 I.T., A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., THENCE NORTH 89 DEGREES 52 MINUTES 54 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 82 I.T., SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,386.86 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 2,369,137.30 SQUARE FEET OR 54.39 ACRES, MORE OR LESS.



M e m o r a n d u m

FEB - 4 2002

LINCOLN COUNTY PLANNING & COMMUNITY DEVELOPMENT

To: Jason Reynolds, Planning
From:  Dennis Bartels, Engineering Services
Subject: Heritage Lakes Preliminary Plat and Special Permit
Date: January 31, 2002
cc: Roger Figard
Nicole Fleck-Tooze
Lynn Johnson

Engineering Services has reviewed the preliminary plat and community unit plan for Heritage Lakes located between 91st and 98th Streets south of Pine Lake Road and has the following comments:

1. Water - The required water mains in Pine Lake Road and 98th Street per the annexation agreement are not shown.
2. Sanitary Sewer - Public Works has received construction plans for the sanitary sewer outlet system for this plat. These plans show sewers approximately 5' deeper than represented with the previously approved annexation agreement for this area and the Appian Way development.
3. Drainage and Grading - The previously noted question raised about the sanitary sewer may require changes to the street grades and grading plan for this plat.

Storm sewer downstream from street sumps and the rear of the cul-de-sacs is not designed in accordance with design standards. A ten-year storm design is required.

A 54" culvert is shown as existing crossing.

It is not clear how detention from Basin A will be accomplished. Portions of the drainage basin will not drain to Detention Cell A and its outlet. Additional information is required.

Pine Lake Road serves as the emergency spillway for the detention shown south of pine Lake Road. Lots and building openings are shown below Pine Lane elevations. All openings in adjacent structures need to be above the Pine Lake Road low point.

4. Street System - The intersection of Glass Ridge Drive and Fischer Drive does not meet design standards. Fischer Drive intersects the inside of a horizontal curve less than 525'.

Sight distance needs to be verified at all sign locations.

The lane alignments of Glass Ridge Road north to south across Glass Ridge Road are unsatisfactory. A 27' wide street in 60' of right-of-way is approved in Vintage Heights north of Pine Lake Road. The 16' wide median approaching Pine Lake Road needs to be removed. The potential for a similar problem exists at the intersection of Widgeon Lane and South 98th Street and must be addressed.

Pine Lake Road and South 98th Street adjacent to this plat must be paved in accordance with the annexation agreement for this area.

The traffic circle in Heritage Drive west of this plat does not comply with design standards. It is recognized that this traffic circle is beyond the limits of this plat.

Heritage Lake Drive is shown 27' wide in this plat transitioning to 33' wide west of the traffic circle. Due to the volume of traffic, Public Works anticipates using this street. We recommend that it be platted with a 66' right-of-way and 33' of paving west of Eider Court.

A 5' easement for right-of-way needs to be shown in Outlot D along 98th Street and Pine Lake Road within 1000' of the intersection.

5. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design consideration including, but not limited to, location of water main bends around curved and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # DRF02007

Address

Job Description: HERITAGE LAKES

Location: HERITAGE LAKES

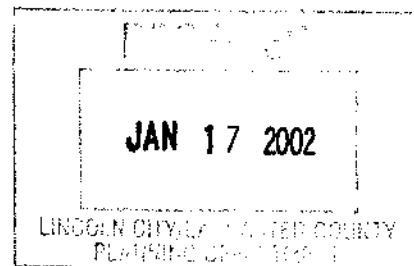
Special Permit: Y 1913

Preliminary Plat: Y 01004

Use Permit: N

CUP/PUD: N

Requested By: JASON



Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:


- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

Memorandum

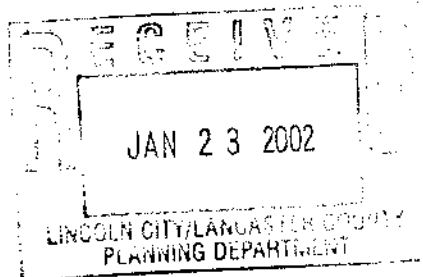
Date: January 23, 2002
To: Jason Reynolds, Planning Dept.
From:  J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District
Subject: Heritage Lakes SP #1913, PP #01004

We have reviewed the Preliminary Plat of the project above. The Notice of Intent and the Stormwater Pollution Prevention Plan was submitted and reviewed in June of 2001. It was approved on June 20, 2001, SWPPP Approval Number CSW 01D014. The site is part of a very large-scale development, and compliance with the approved Erosion & Sediment Control Plan has, and will be monitored closely by our office.

If you have any questions, feel free to call.

JBD/jbd

pc: file





MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

To: Jason Reynolds <JReynolds@ci.lincoln.ne.us>
cc:
Subject: Heritage Lakes

01/17/2002 09:42
AM

Jason,

The Lincoln Police Department has no objections to the Heritage Lakes SP 1913 & PP01004.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department



Dennis L Roth

To: JReynolds@ci.lincoln.ne.us

01/18/2002 02:36

cc:

Subject: re: Heritage Lakes

AM

PROJ NAME: Heritage Lakes
PROJ NMBR: SP1913, PP010004
PROJ DATE: 01/14/02
PLANNER: Jason

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

Streets: Eider Bay, Eider Ct, Eider Dr, Fischer Dr, Glass Ridge Dr, Heritage Lakes Dr,
Widgeon Bay, Widgeob La, S 97th St

Private Streets: S 94th Ct

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds	DATE: 1/16/2002
DEPARTMENT: Planning	FROM: Chris Schroeder Jerry Hood
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Bruce Dart, Director EH File EH Administration	SUBJECT: Heritage Lakes SP #1913, PP #01004

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the site plan for the proposed Heritage Lakes subdivision with the following noted:

- Water supply will be the City of Lincoln public water supply.
- Sewage disposal will be the City of Lincoln collection system.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



Memo

To: Jason Reynolds, Planning Department

From: Mark Canney, Parks & Recreation *MC*

Date: February 4, 2002

Re: Heritage Lakes SP 1913 PP01004

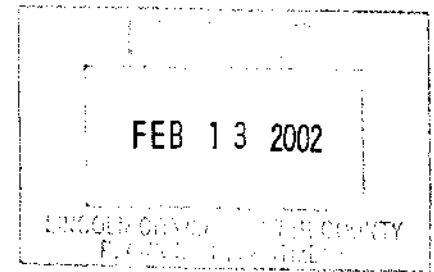
Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. A trail connection is required from Glass Ridge Drive to the Underpass.
2. All outlot areas are to be maintained by the developer and/or future home owners association.
3. Cross section needs to be corrected to reflect the standards as defined in the Public Way Corridor cross section found on the Planning Department Website.
4. Anticipated grade separation crossing under Pine Lake Road in conjunction with Antelope Creek should be shown on plan.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

FEB - 5 2002

022



February 13, 2002

Ms. Kathleen A Sellman
Planning Department
County - City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Heritage Lakes Preliminary Plat and Community Unit Plan
OA Project No. 2000-0862.01

Dear Ms. Sellman:

Following are our responses to your letter dated May 10, 21001 for the above referenced project. Each comment has been noted, revised or is not applicable with this new submittal.

1. *An annexation agreement must be completed to satisfaction of the City, prior to scheduling this Preliminary Plat, Community Unit Plan, Annexation and Change of Zone on the Planning Commission agenda. The agreement must be signed prior to scheduling on the City Council agenda.*

The annexation agreement has been completed.

2. *Indicate any ownership or interest in the abutting land to the south and proposed street system and uses for that land.*

The land south of the lake is owned by the Eiger Group. Proposed uses for property will be "planned residential".

3. *91st Street and Pine Lake Road are classified as a Public Way Corridors. Provide detailed information showing a cross section of the full width of the corridor, the location of the utilities, location of sidewalks, location of landscaping, the edge of the pavement, the medians and the turn lanes.*

This is included in this submittal, 1/11/02.

023

4. *Address the construction of the new alignment of 91st Street and Pine Lake Road, and the vacation of the existing 91st Street.*

91st Street has been vacated. This was dedicated to the City by Kelvin Korver. South 91st is planned to be constructed in 2002.

5. *Remove the "unassigned units and multi family units" designation from note 11. A multi-family site plan has not been proposed. A blanket "multi-family" designation without a specific site plan and design is not consistent with Chapter 27.65 of the Zoning Ordinance.*

This has been revised with this submittal, 1/11/02.

6. *Address how access will be provided to Lot 12, Block 1.*

This has been revised with this submittal, 1/11/02.

7. *Revise the "duplex lot" designation in notes 11 and 21 to read "attached single family" lot and identify them on the site plan.*

This has been revised with this submittal, 1/11/02.

8. *Remove note 15 and add a statement indicating that no portion of the building shall extend over the lot lines, and that the garage door openings shall be at least 22 feet from the sidewalk.*

This comment refers to "Townhomes" which have been deleted from this submittal, 1/11/02.

9. *Combine notes 17 and 21.*

This has been revised with this submittal, 1/11/02.

10. *Address the landscaping and maintenance of the medians, submit a landscape plan for review.*

This has been revised with this submittal, 1/11/02.

11. *The proposed outlots do not meet the lot area, lot width or lot width to depth ratio requirements of the proposed zoning district.*

We will be requesting a waiver for those outlots, if required.

12. *The subdivision identification signs appear to be located in sight triangles.*

The signs have been located behind the sight triangles.

13. *Address the phasing of the proposed plat, the installation of 91st Street, Pine Lake Road, 98th Street, and the coordination with the proposed commercial center to the west.*

91st Street will be constructed in 2002 under an Executive Order. The construction of the drive east off of 91st Street will coincide with the proposed construction of Phase One, Heritage Lakes in 2002.

14. *Revise the proposed plat to utilize consistent lot and block numbering as required by 26.15.015(f).*

This has been revised with this submittal, 1/11/02.

15. *Show the proposed sidewalks along Pinebrook Lane, S. 92nd Street, S. 94th Street and Oakbrook Lane. Provide a rationale why sidewalks should not be located on both sides of the street.*

We are requesting a waiver for sidewalks only on one side of South 94th Court. All other streets have sidewalks on both sides of the street.

16. *Revise the setback of Lot 1, Block 4 so that it is at least 20 feet from Heritage Lakes Lane.*

This has been revised with this submittal, 1/11/02.

17. *Figure 38 in the Comprehensive Plan shows a need for a trail in this vicinity. Revise the plans to show a trail connection satisfactory to the Mayor's Trails/Pedestrian Advisory Committee. The Parks and Recreation Department noted that the trail should parallel 91st Street to a connection point with a trail easement located westerly of Glass Ridge Drive. It would be desirable to have the platform for the trail graded in conjunction with the site grading activities. The Parks Department requests the engineer to explore options to allow for a future potential trail underpass crossing of Highway 2 at 91st Street.*

This submittal shows the trail on South 91st Street, 1/11/02.

18. *Show a connection to the private pedestrian way behind Lots 13 through 18, Block 4, to the pedestrian way to the south.*

This has been revised with this submittal, 1/11/02.

19. *Show a connection to the private pedestrian way in the outlot in the vicinity of Lot 1 Block 3 to provide easier access to the lots on the north side of Fischer Road and the east side of S. 94th Street.*

This has been revised with this submittal, 1/11/02.

20. *Address access to the private pedestrian way to Lots 12 through 21, Block 2 and Lots 77 through 82, Block 4.*

This has been revised with this submittal, 1/11/02.

21. *Provide a road connection between Widgeon Court and Eider Court and between Eider Court and S. 94th Street to resolve the block length requirement. This will also eliminate the need for a waiver of the number of units allowed on a dead end street.*

This has been revised with this submittal, 1/11/02.

22. *Revise the plans to Indicate the Pinebrook Lane, S. 92nd Street, Oakbrook Lane and S. 94th Street are private roadways.*

This has been revised with this submittal, 1/11/02.

23. *You requested a Comprehensive Plan amendment to change the area from commercial to residential use. An amendment is not necessary as this area is already shown as Residential in the Southeast Lincoln/Highway 2 Subarea Plan, approved March 26, 2001.*

Comment is noted.

24. *Revise the plans to show how the rural water lines and easements will be abandoned to the satisfaction of the Rural Water District.*

This has been revised with this submittal, 1/11/02.

25. *Provide evidence that you have resolved the issues of costs associated with leaving the rural water service area.*

No existing homes within this preliminary plat area are currently serviced with rural water.

26. *Address the Army Corps of Engineers letter which indicated that the proposed project "could potentially impact wetlands and/or waterways under [their] jurisdiction and may require Department of the Army authorization."*

A "404 Wetland Permit" has been obtained. (Impoundment - Nationwide Permit #43, NE-60-10784 & entire development - individual #NE-01-10474.)

27. *Provide the easements requested by LES and add the following as notes:
Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.*

Olsson Associates have met with LES and coordination continues with grading and exact location of the relocated line.

28. *Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.*

Comment is noted.

29. *The Parks and Recreation Department noted that a neighborhood park will be needed to serve future residents. They suggested that the potential for a future neighborhood park be investigated in conjunction with the future development of the area east of 98th Street. The future park site would serve the limited number of residential lots associated with this application and future lots in the area to the east.*

Comment is noted.

30. *Revise the plans to show the designated street tree for S. 94th Street as Red Sunset Maple, not Sugar Maple.*

This has been revised with this submittal, 1/11/02.

31. *Revise the plat to show the required water mains in 98th Street and in 91st Street. The water main in Pine Lake Road is not existing as shown on the plans.*

Comment is noted.

32. *Revise the plans in coordination with LES, Peoples Gas and the City regarding the location of the plantings along 98th Street and Pine Lake Road. The proposed plantings for Pine Lake Road and S. 98th Street conflict with the utility easement. Sidewalks need to be shown on the landscape plan. Trees should be no closer than 5 feet from sidewalks/trails and no closer than 10' from relocated utilities.*

Comment is noted.

33. *Revise the landscape plan to denote which streets are private.*

This has been revised with this submittal, 1/11/02.

34. *Revise the plans to show the abandonment of the water main easement that is shown along Pine Lake Road and along existing 91st Street if the water line in the easement is a rural water line.*

Client is working with Rural Water to reduce the easement.

35. *Address the phasing of the water mains in Pine Lake Road and 98th Street, the phasing of the plat and the potential for long dead end water mains.*

This has been revised with this submittal, 1/11/02.

36. *Revise the plans to address the sanitary sewer concerns of the Public Works Department. The Public Works Department noted that the trunk sewer alignment north of Heritage Lake Drive needs to be shown on the grading plan. It appears to be shown along the bottom of the ponding area of the detention pond. This is unsatisfactory. Locating the sewer in the side slopes of the detention pond/drainage ditch is also unsatisfactory. The exceptions to the design standards and the depth are satisfactory for the outlet sewer provided that the location questions are addressed satisfactorily.*

Comment noted. Executive Order Trunk Sewer Plan is currently being reviewed by Public Works.

37. *Address the Public Works comment that design standards require sanitary sewers to be located 15' from proposed buildings. The combination sewer and storm sewer easements shown must, therefore, be at least 35' wide or some other method to provide the 15' clearance.*

This has been revised with this submittal, 1/11/02.

38. *Revise the plans to meet design standards for the requirement for low flow liners, trickle channels, or underdrain pipes for the detention areas and open channels.*

This has been revised with this submittal, 1/11/02.

39. *Revise the plans to show provisions for emergency spillways for the detention and retention facilities. The grading shown is such that overflow from the facilities is not contained in specific areas and may flood lots unless grading is accomplished to prevent it.*

This has been revised with this submittal, 1/11/02.

40. *Design standards require that the design of the detention facilities be reviewed by Public Works prior to construction and certification be provided after construction.*

Comment is noted.

41. *Revise the plans to show the grades of 98th Street to match the proposed street grades.*

Comment is noted.

42. *Revise the plans to show all lots above the low point in Pine Lake Road. The Public Works Department noted that lots backing on Pond A4 are shown at or below the elevation of Pine Lake Road. If Pine Lake Road is to serve as the emergency spillway, all lots should be graded above the low point in the road.*

This has been revised with this submittal, 1/11/02.

43. *Revise the traffic circle in Heritage Lakes Drive. The traffic circle on Heritage Lakes Drive is shown with a private outlot in the center with an 8' x 10' sign in the outlot. This is contrary to design standards. Landscaping requirements require a maximum height of 24" for landscaping. The sign would violate this sight distance requirement.*

The traffic circle has been revised.

44. *Revise the plans to show a 150' centerline curve radius requirements for public and private streets. The Public Works Department objects to waiving the radius requirement. It appears the requirement can be met by adjusting the outlets and lots rather than using the outlots as the justification for the design exception. Private standards also require 150' radius. It appears that these radii can be designed at 150' or as a minimum closer to standard than submitted. As a minimum, all the private roads should at least be designed with 125' centerline radii.*

This has been revised with this submittal, 1/11/02.

45. *There are several traffic questions that affect this plat that need to be considered in relation to the traffic impact study and for the commercial zoning and office. This includes the location of the Glass Ridge Drive and Pine Lake Road intersection, the geometrics of the Heritage Lake Drive and 91st Street intersection, and the right-of-way that may be required, the paving cross-section of 98th and Pine Lake Road and accompanying right-of-way.*

Traffic issues at these locations have been agreed upon as part of the annexation agreement.

Ms. Kathleen Sellman
Page Eight
13 February 2002

46. *Public Works recommends 60' of right-of-way be dedicated for 98th Street with an additional 5' of right-of-way or easement within 1,000' of the intersection.*

Noted. This has been revised with this submittal, 1/11/02.

47. *Block 1, Lot 12 should relinquish access to 91th Street and take its access to Heritage Lakes Drive.*

This has been revised with this submittal, 1/11/02, Block 1, Lot 12 is not part of this preliminary plat.

48. *Rename Eider Lane/Court/Bay, as it is too close to Elder St.*

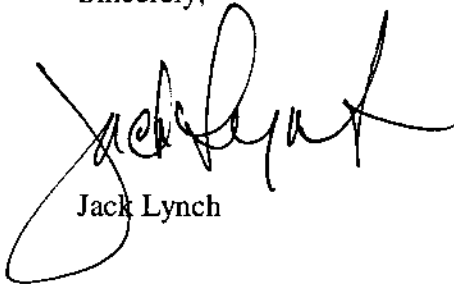
Comment is noted.

49. *The Lincoln-Lancaster County Health Department comments are attached.*

Comment is noted.

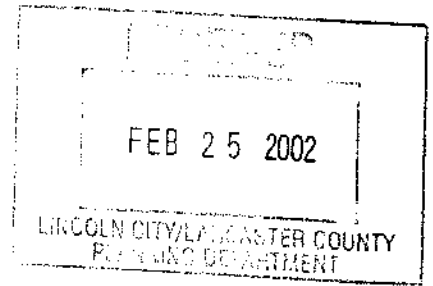
Due to design changes over the last ten months, we have delayed our response to your May 10th letter. Please call if you have any questions. Jason Reynolds has informed us that this project has been pulled from the February 20th Planning Commission meeting as all city departments have not had time to review our responses. However, our client is very eager to keep this process going and we will be quick to answer any questions you may have. With this letter, Jason indicated that we should be on the March 6th Commission agenda.

Sincerely,



Jack Lynch

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21 February 2002

Mr. Jason Reynolds
Planning Department
County - City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Heritage Lakes Preliminary Plat and Community Unit Plan
OA Project No. 2000-0862.01

Dear Mr. Reynolds:

Please include the following requested waivers to those itemized on our letter dated February 6, 2002:

1. A waiver to the Subdivision Ordinance Sec. 26.23.140 for minimum lot depth.
2. A waiver for lot areas and required yards.

Thank You,

Jack Lynch

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